EXHIBIT A

EXHIBIT A

Claims P nding Upon Entry of the Amendment of November 19, 2001

U.S. Patent Application Serial No. 09/578,827

5914-078-999

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22. A transgenic plant containing a transgene encoding a gene of interest operatively associated with a *SHORT-ROOT* promoter, so that the gene of interest is expressed in a tissue-specific manner in roots or embryos.

23. The transgenic plant of Claim 21, in which the gene of interest encodes a gene product that confers herbicide, salt, pathogen, or insect resistance.

24. A transgenic plant containing a transgene encoding a gene of interest operatively associated with a *SHORT-ROOT* promoter, so that the gene of interest is expressed in shoots.

25. The transgenic plant of Claim 23, in which the gene of interest encodes a gene product that increases starch, lignin or cellulose biosynthesis.

27. The plant of Claim 25, which is less susceptible to lodging than a wild-type plant.

30 (new). The plant of claim 22, in which the *SHORT-ROOT* promoter comprises a nucleic acid of SEQ ID NO:4.

31 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence of SEQ ID NO:4.

32 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to the *SHORT-ROOT* promoter which comprises the nucleic acid sequence of SEQ ID NO:4 and promotes stele-

specific expression in root, and wherein the high stringency conditions comprise hybridization to filter-bound DNA in a buffer composed of 6X SSC, 50 mM Tris-HCl (pH 7.5), 1 mM EDTA, 0.02% PVP, 0.02% Ficoll, and 0.02% BSA at 65°C, and washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.

33 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to the *SHORT-ROOT* promoter which comprises the nucleic acid sequence of SEQ ID NO:4 and promotes stele-specific expression in hypocotyl, and wherein the high stringency conditions comprise hybridization to filter-bound DNA in a buffer composed of 6X SSC, 50 mM Tris-HCl (pH 7.5), 1 mM EDTA, 0.02% PVP, 0.02% Ficoll, and 0.02% BSA at 65°C, and washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.

EXHIBIT B

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TC 1600 Official Before Final Facsimile Number	United States Patent and Trademark Office Technology Center 1600	**703-872-9306**	Application No: 09/578,827

Confirmation copy ***will not*** follow.

Re:
Application of:	Benfey et al.
Application No:	09/578,827
Filed:	May 24, 2000
For:	SHORT-ROOT GENE, PROMOTER, AND USES THEREOF
Group Art Unit:	1638
Examiner:	Collins, C.
Attorney Docket No.:	5914-078

MESSAGE: ***The following documents are transmitted herewith:***

1. Election Under 37 C.F.R. § 1.143 and Amendment Under 37 C.F.R. § 1.111, with attached Exhibit A (Claims Pending Upon Entry of the Amendment of November 19, 2001) and Exhibit B (Copy of each of the Information Disclosure Statement Under 37 C.F.R. § 1.56 and § 1.97 and the List of References Cited (Form PTO 1449) previously filed on June 22, 2001 in connection with U.S. Patent Application Serial No. 09/578,827); and

2. Petition for Extension of Time Under 37 CFR § 1.136(a) for one month, to and including Monday, November 19, 2001, the first business day after Saturday, November 17, 2001.

If you have any problems regarding this transmission, please contact Geraldine F. Baldwin at (212) 790-2296

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on November 19, 2001 to facsimile telephone number 703-872-9306.

Geraldine F. Baldwin

31,232
(Reg. No.)

LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 5914-078-999	APPLICATION NO. 09/578,627
	APPLICANT Benfey *et al.*	
	FILING DATE 08/14/00	GROUP ~~1852~~ 1638

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
CC	AA	5,661,016	08/27/97	Lonberg *et al.*			
	AB	5,633,425	05/27/97	Lonberg *et al.*			
	AC	5,625,126	04/29/97	Lonberg *et al.*			
	AD	5,585,089	12/17/96	Queen *et al.*			
	AE	5,569,825	10/29/96	Lonberg *et al.*			
	AF	5,545,806	08/13/96	Lonberg *et al.*			
	AG	5,272,071	12/21/93	Chappel			
	AH	5,256,558	10/26/93	Coruzzi *et al.*			
	AI	5,110,732	05/05/92	Benfey *et al.*			
	AJ	5,097,025	03/17/92	Benfey *et al.*			
↓	AK	5,023,179	06/11/91	Lam *et al.*			

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO

OTHER REFERENCES (*Including Author, Title, Date, Pertinent Pages, Etc.*)

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EXAMINER Cynthia Collins	DATE CONSIDERED 12/21/01

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.